

REMARKS

Claims 1-20 are currently pending in the present application, with Claims 1, 8, and 15-20 being amended.

Applicants first note that the Examiner has marked the office action as both “non-final” and “final” in the Office Action Summary. Applicants further note that the Detailed Action does not contain any statement by the Examiner designating the office action as a final office action. In view that the office action was in response to a RCE filed by the Applicants on September 7, 2007, Applicants hereby treats the instant office action (mailed on December 12, 2007) as non-final.

The Examiner rejected Claims 1, 2, 4, 8, 9, 11, 15, and 16 under 35 U.S.C. 103(a) as being anticipated by Ogawa (U.S. Patent no. 6,704,269) in view of Yokoi et al. (U.S. Patent No. 5,732,062).

The Examiner further rejected Claims 6 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Ogawa in view of Yokoi and further in view of Hara (U.S. Patent No. 6,044,055).

The Examiner further rejected Claims 7 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Ogawa in view of Yokoi in view of Hara and further in view of Kobayashi (U.S. Patent No. 5,367,514).

Finally, the Examiner further rejected Claims 3, 5, 10, and 12 under 35 U.S.C. § 103(a) as being unpatentable over Ogawa in view of Yokoi in view of Kobayashi.

Applicants note that each of the above-referenced rejections are based on 35 U.S.C. § 103(a), and are based on in part Ogawa. Applicants further note that Ogawa is a prior art reference to the present application only under 35 U.S.C. § 102(e). Accordingly, in view of the above, each and every of the above-referenced rejection may be overcome under 35 U.S.C. § 103(c) if it can be

shown that Ogawa and the present invention were either commonly owned or subject to an obligation of assignment to a same person at the time the claimed invention was made. M.P.E.P. 706.02(l)(2). As also provided under M.P.E.P. 706.02(l)(2), Applicants may show common ownership of the prior art reference and the claimed invention by providing a clear and conspicuous statement to that effect. Applicants hereby provide that statement:

Statement of Common Ownership:

The present application, application serial no. 10/626,141 and Ogawa (U.S. Patent No. 6,704,269) were, at the time the invention of the present application was made, owned by Yamaha Corporation.

In view of the above statement, Applicants respectfully submit that all outstanding rejections are overcome, and that each of the presently pending claims in this application is in condition for allowance.

If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below. In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 393032039700. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

By 

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